

STATE OF INDIANA
OFFICE OF THE SECRETARY OF STATE
SECURITIES DIVISION

IN THE MATTER OF:

ORDER NO. 99-0256 AO

RULE AMENDING 710 IAC 1-16-13
REGARDING EXAMINATIONS FOR
INVESTMENT ADVISERS AND INVESTMENT
ADVISER REPRESENTATIVES

FILED
SEP 16 1999

ORDER ADOPTING RULE AMENDING 710 IAC 1-16-13

Comes now Bradley W. Skolnik, Indiana Securities Commissioner, and pursuant to the authority granted under IC 23-2-1-15, finds as follows:

1. The Indiana Securities Division caused to be published in the July 1, 1999 edition of the *Indiana Register* (22 Ind. Reg. 3231 [1999]), a proposed rule amending 710 IAC 1-16-13 concerning examinations for investment advisers and investment adviser representatives.
2. The Indiana Securities Division caused to be published on July 1, 1999, a notice in a newspaper of general circulation in Marion County, to wit: *The Indianapolis Star* and *The Indianapolis News*, describing the proposed rule and disclosing the date, time and location of a public hearing regarding the rule.
3. A public hearing in regard to the proposed rule was held on July 27, 1999 at 10:00 a.m. at the Office of the Secretary of State, Securities Division, 302 West Washington Street, Room E111, Indianapolis, Indiana.
4. The Securities Commissioner hereby finds that the rule (710 IAC 1-16-13) should be adopted in the same form as that provided in LSA Document No. 99-53 published in the July 1, 1999 edition of the *Indiana Register* (22 Ind. Reg. 3231 [1999]).

IT IS THEREFORE ORDERED that the rule amending 710 IAC 1-16-13 regarding examination requirements for investment advisers and investment adviser representatives is ADOPTED.

IT IS FURTHER ORDERED AND DIRECTED that the rule amending 710 IAC 1-16-13 regarding examination requirements for investment advisers and investment adviser representatives attached hereto be submitted to the Attorney General and the Governor of Indiana for their approval as required under IC 4-22-2.

ORDERED at Indianapolis, Indiana this 16th day of September, 1999.



SUE ANNE GILROY
SECRETARY OF STATE

A handwritten signature in cursive script, appearing to read "Bradley W. Skolnik".

BRADLEY W. SKOLNIK
SECURITIES COMMISSIONER

TITLE 710 SECURITIES DIVISION

Final Rule LSA Document # 99-53(F)

DIGEST

Amends 710 IAC 1-16-13 to provide that the commissioner may prescribe the examinations that investment advisers and investment adviser representatives must pass to be licensed to conduct business in Indiana. Effective 30 days after filing with the secretary of state.

710 IAC 1-16-13

SECTION 1. IAC 1-16-13 IS AMENDED TO READ AS FOLLOWS:

710 IAC 1-16-13 Examinations

Authority: IC 23-2-1-15
Affected: IC 23-2-1-11

Sec.13. (a) ~~Each investment adviser and investment adviser representative must show proof of passage of the National Association of Securities Dealers Series 65 Uniform Investment Adviser State Law Examination (Series 65), or the National Association of Securities Dealers Series 7 and Series 63 examinations unless exempted under subsection (b), (c), or (d).~~ **An examination or series of examinations in the form and content prescribed or approved by the commissioner must be taken and passed by every investment adviser and investment adviser representative.**

~~(b) With respect to investment advisers, the examination requirement in subsection (a) is waived for any applicant who, prior to January 1, 1992, shows proof satisfactory to the commissioner of the following:~~

~~(1) The applicant was engaged in business activities on October 1, 1991, that would have required registration as an investment adviser.~~

~~(2) The applicant was properly registered with the commissioner as an investment adviser prior to October 1, 1991.~~

~~(c) With respect to investment adviser representatives, the examination requirement in subsection (a) is waived for any applicant who, prior to January 1, 1992, shows proof satisfactory to the commissioner that the applicant was as follows:~~

~~(1) Engaged in business activities on October 1, 1991 that would have required registration as an investment adviser representative.~~

~~(2) Listed on a Schedule D to Form ADV of a registered as of October 1, 1991.~~

~~(d) (b)~~ An investment adviser or investment adviser representative who wishes to rely on passage of any examination other than the Series 65 or the Series 7 and Series 63 **one prescribed by the commissioner under this section** or who wishes to request a waiver of the examination requirements ~~of established by the commissioner under this section~~ must submit a written request for consideration, identifying the examination in question, its content, the entity administering the examination, and the reason why a waiver should be granted by the commissioner. Acceptance of such examination results or the waiver of the examination is solely within the commissioner's discretion. ~~An investment adviser or investment adviser representative who wishes to request an extension of time in which to show proof of compliance with subsection (a) must submit a written request for consideration, identifying the extenuating circumstances which necessitate such request. The granting or denial of such a request for extension of time is solely within the commissioner's discretion.~~

~~(e) (c)~~ An investment adviser who is not an individual shall meet the examination requirement imposed by **the commissioner under this section** by showing proof of compliance on a continuing basis with ~~the provisions of subsection (a), (b), (c), or (d) this section~~ by any one (1) of its investment adviser representatives who is currently engaged in the management of the investment adviser's business in ~~the state of~~ Indiana, including the supervision or the training of investment adviser representatives or employees for any of those functions. *(Securities Division; 710 IAC 1-16-13; filed Dec 20, 1991, 9:30 a.m.: 15 IR 720, eff Jan 1, 1992 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #91-105 was filed Dec 20, 1991.]*